

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO EASTERN
DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOHN DIETZ,

Defendant.

CASE NO: 1:11-CR-00484

Judge Dan Aaron Polster

OPINION AND ORDER

MEMORANDUM

Before the Court is Defendant John Dietz's motion to reduce his sentence pursuant to 18 U.S.C § 3582(c)(1)(A), **Doc. #: 38**. For the following reasons, Dietz's Motion is **GRANTED**.

On January 20, 2012, Dietz pleaded guilty to one count of receipt and distribution of visual depictions of real minors engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2). On July 5, 2012, Dietz was sentenced to 121 months in the custody of the Bureau of Prisons (“BOP”) and five (5) years of supervised release. Dietz’s release date is March 10, 2021.¹

On December 21, 2020, Dietz requested that the Court reduce his sentence so that he can escape the outbreak of COVID-19 at FCI Fort Dix (“Fort Dix”), where he is held. *See* Doc #: 38. Today, on January 5, 2021, the Government filed a response to Dietz’s Motion conceding that he is eligible for compassionate release. *See* Doc #: 40. Accordingly, upon reviewing the record, the Court finds that an “extraordinary and compelling” reason justifies compassionate release.² *See*

¹ *Find an Inmate*, FEDERAL BUREAU OF PRISONS, <https://www.bop.gov/inmateloc/> (last visited January 5, 2021).

² As the Government concedes, Dietz suffers from obesity, high cholesterol, and type II diabetes - medical conditions that may pose an increased risk for severe illness from COVID-19. Furthermore, as the Government notes, FCI Fort Dix currently reports the largest number of inmates positive for COVID-19 at 590. See <https://www.bop.gov/coronavirus>; see also *See People of Any Age with Underlying Medical Conditions*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last visited January 5, 2021).

United States v. Jones, No. 20-3701, 2020 U.S. App. LEXIS 36620, at *19 (6th Cir. Nov. 20, 2020) (“Until the Sentencing Commission updates § 1B1.13 to reflect the First Step Act, district courts have full discretion in the interim to determine whether an ‘extraordinary and compelling’ reason justifies compassionate release when an imprisoned person files a § 3582(c)(1)(A) motion.”).

Because there is no dispute regarding whether the 3553(a) factors favors Dietz’s release, and the sense of urgency given the current status of positive cases presented at Fort Dix, the Court need not pen a lengthy opinion regarding the 3553(a) factors, given that it balanced the 3553(a) factors when initially sentencing Dietz. *See United States v. Jones*, No. 20-3701, 2020 U.S. App. LEXIS 36620, at *30 (6th Cir. Nov. 20, 2020) (“Reading the judge’s compassionate release decision and the original sentencing hearing transcript together reveals that the district judge carefully considered all relevant § 3553(a) factors.”). Accordingly, upon careful consideration, the Court finds the § 3553(a) factors also favor Dietz’s release.

CONCLUSION

The time Dietz has served is sufficient punishment, particularly considering Dietz’s health and the COVID-19 cases at Fort Dix. The Court sincerely hopes Dietz will go forth and live a law-abiding life.

IT IS ORDERED that Dietz’s Motion, Doc. #:38, is **GRANTED**. The Court hereby reduces Dietz’s sentence to time served, plus up to 14 days in the discretion of BOP to quarantine Dietz prior to release. Dietz’s term of supervised release remains at five (5) years, subject to the terms imposed at sentencing. The Probation Department shall ensure Dietz has a proper release plan and safe transportation prior to Dietz’s release.

IT IS SO ORDERED.

/s/ Dan Aaron Polster January 5, 2021